

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NEW YORK LAW SCHOOL,

Plaintiff,

-against-

ASCOT PARTNERS, L.P., J. EZRA MERKIN,
BDO SEIDMAN LLP,

Defendants.

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SCOTT BERRIE,

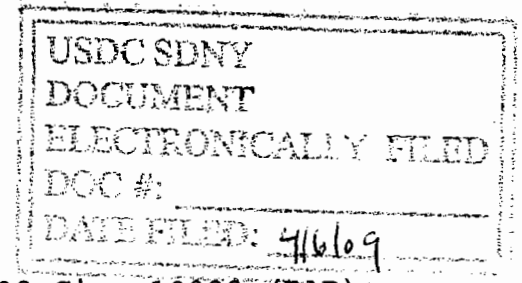
Plaintiffs,

-against-

GABRIEL CAPITAL, L.P., J. EZRA MERKIN,
BDO SEIDMAN LLP,

Defendant.

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DEBORAH A. BATTS, United States District Judge.



08 Civ. 10922 (DAB)

ORDER

08 Civ. 10930 (DAB)

ORDER

Rule 42 of the Federal Rules of Civil Procedure states that,
"If actions before the court involve a common question of law or
fact, the court may...(2) consolidate the actions; or (3) issue any
other orders to avoid unnecessary cost or delay." Fed. R. Civ. P.

42.

The Complaint filed under docket number 07 Civ. 10922 and the
Complaint filed under the docket number 08 Civ. 10930 contain
common Defendants, common facts, and common questions of law making
consolidation of the two actions appropriate to promote judicial
efficiency and to avoid unnecessary cost and delay.

The following actions are HEREBY consolidated for all purposes:

New York Law School v. Ascot Partners, L.P. et al. (08 Civ. 10922) (DAB)

Scott Berrie v. Gabriel Capital et al., (08 Civ. 10930) (DAB)

The caption of these consolidated actions shall be "In re J. EZRA MERKIN AND BDO SEIDMAN SECURITIES LITIGATION" and the files of these consolidated actions shall be maintained under Docket Number 08 Civ. 10922.

In addition, the Court is in receipt of Motions for Appointment of Lead Plaintiff by both New York Law School and Scott Berrie. Consequently, both Plaintiffs are HEREBY APPOINTED Co-Lead Plaintiffs in the above-named consolidated action.

Furthermore, the Court is in receipt of two Motions for Appointment of Lead Counsel by Abbey Spanier Rodd & Abrams, LLP, currently counsel of record for both Co-Lead Plaintiffs. The Court HEREBY APPOINTS Abbey Spanier Rodd & Abrams, LLP as Lead Counsel in the above-named consolidated action.

SO ORDERED.

Dated: New York, New York

April 6, 2009

Deborah A. Batts
Deborah A. Batts
United States District Judge